

**IN THE UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN MARIANA ISLANDS**

## HOMAYAN KABIR,

) No. CV 07 0034

**Plaintiff,**

} DECLARATION OF  
} DAVID M. BORJA

**CNMI PUBLIC SCHOOL SYSTEM, and  
JONAS BARCINAS**

### Defendants.

COMES NOW David M. Borja, who would now declare as follows:

“I am over the age of majority and fully competent to make this Declaration, and would testify to the matters contained herein in a court of law if called to do so.

“I am the Commissioner of Education for the CNMI. As such, it is part of my duties to supervise the principals of the various schools within the system. PSS Policy 1700. It is also part of my duties to seek to maintain safe and secure public schools in the CNMI. In keeping with these mandates, each school within the system maintains some kind of security service, as funding allows.

“The CNMI Public School System (PSS) does not directly hire security personnel for individual school campuses. Security for these campuses is often provided by security services under the CNMI Public School System Procurement Regulations through purchase orders submitted by the individual schools.

“Dandan Elementary School has submitted these purchase orders for security services performed by Eagle Security Services.

"It would have been the responsibility of Jonas Barcina, principal of Dandan Elementary School, to contract for the furnishing of these services with the vendor, in this case Eagle Security Services. It would also be the responsibility of Jonas Barcina to apprise the contractors of their responsibilities and duties, and to review the timesheets for hours worked and security provided prior to requesting payment under the purchase orders. (Ex. 4-11)

"All of these duties and responsibilities were within the scope of employment of Mr. Barcina,

**DEFENDANT  
EXHIBIT**

1 and of every other principal in the system who has made similar arrangements for their respective  
2 schools.

3 "I swear under penalty of perjury that the above and foregoing is true and correct, that I have  
4 personal knowledge of the facts contained above, and that I execute this Declaration on the island of  
5 Saipan, Commonwealth of the Northern Mariana Islands, this 9th day of April, 2008."

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David M. Borja  
Commissioner  
CNMI Public School System